

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

HANNAH KING,

Plaintiff,

V.

**B&B BOW WOW, INC., d/b/a CAMP
BOW WOW,**

Defendant.

CIVIL ACTION FILE NO.

JURY TRIAL DEMANDED

COMPLAINT

COMES NOW Plaintiff, Hannah King, by and through undersigned counsel, The Kirby G. Smith Law Firm, LLC, and hereby files this Complaint, stating as follows:

I. JURISDICTION AND VENUE

1. This Court has federal question jurisdiction pursuant to 28 U.S.C. § 1331 over Counts I-II of this Complaint, which arise out of the Americans with Disabilities Act, 42 U.S.C. § 12101, et seq. (ADA).
2. This Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1337 over Count III of this Complaint, brought under N.C. Gen. Stat. § 95-240, et seq. (REDA), because this claim arises out of the same transaction or occurrence as Counts I-II of this Complaint.
3. Plaintiff exhausted all administrative remedies in this matter. She received right to sue notices from both the EEOC and the North Carolina Department of Labor, and she files this action within 90 days from the dates the respective right to sue notices were issued.
4. Venue is proper in this Court pursuant to 28 U.S.C. § 1331.

II. PARTIES

5. Plaintiff is a citizen of the United States and a resident of Wake County, North Carolina.

6. Defendant is a corporation registered to conduct business in North Carolina.
7. This Court has personal jurisdiction over the parties because a substantial portion of the employment practices described herein were committed within Durham County, North Carolina.
8. Defendant may be served by delivering a copy of the Complaint and Summons to its registered agent, Glenn D. Borg, located at 3622 Lyckan Pkwy, Ste 2001, Durham, NC 27707.
9. Defendant employed fifteen (15) employees or more at all times relevant to this lawsuit.
10. Defendant is subject to the requirements of the ADA and REDA.

III. FACTUAL ALLEGATIONS

11. Plaintiff worked for Camp Bow Wow as a Senior Camp Counselor, beginning her employment in July 2019.
12. In February 2020, Plaintiff fractured her knee while at work.
13. For approximately 4 months, Plaintiff was substantially limited in her ability to walk and stand.
14. In March 2020, Plaintiff began receiving workers' compensation benefits in the State of North Carolina.
15. In April 2020, Plaintiff was cleared by her physician for "light duty," which in this context meant only seated work.
16. Defendant informed Plaintiff that because of the pandemic, they did not have any light duty work for her to perform.
17. On July 22, 2020, Plaintiff was cleared to work full time.
18. Also on July 22, 2020, Plaintiff gave Defendant a copy of her full duty work release.
19. Defendant told Plaintiff that they did not have any work for her at that time, but they promised to follow up.

20. On or around August 2, 2020, Plaintiff's supervisor, Ms. Ashley Hippensteel, told Ms. King that she should look for other employment because there were no positions available.
21. Ms. Hippensteel also advised Plaintiff to file for unemployment benefits.
22. Prior to August 2, 2020, no one associated with Defendant notified Plaintiff that she had been terminated.
23. Prior to August 2, 2020, Plaintiff understood that she was still employed by Defendant.
24. Upon information and belief, Defendant hired multiple individuals as Camp Counselors in or around August and September 2020.
25. Upon information and belief, these individuals do not have a record of disability and Defendant does not regard them as disabled.
26. In or around August 2020, Ms. Hippensteel told a co-worker that she could not bring Plaintiff back to work because she is a "liability."

IV. CLAIM FOR RELIEF

COUNT I

ADA DISCRIMINATION (Record of Disability)

27. Plaintiff incorporates by reference paragraphs 1-26 of her Complaint as if fully set forth herein.
28. Plaintiff has a record of a disability as defined by the ADA.
29. Defendant had notice of Plaintiff's record of disability.
30. Plaintiff suffered the adverse action of termination.
31. The circumstances of Plaintiff's termination serve as evidence that the adverse action was discriminatory on the basis of Plaintiff's record of disability.

COUNT II

ADA DISCRIMINATION (Regarded as Disabled)

32. Plaintiff incorporates by reference paragraphs 1-26 of her Complaint as if fully set forth herein.
33. Defendant regarded Plaintiff as having a disability.
34. Plaintiff suffered the adverse action of termination.
35. The circumstances of Plaintiff's termination serve as evidence that the adverse action was discriminatory because Defendant regarded Plaintiff as disabled.

COUNT III

REDA RETALIATION

36. Plaintiff incorporates by reference paragraphs 1-26 of her Complaint as if fully set forth herein.
37. Plaintiff engaged in protected activity under REDA when she exercised her right to file a workers compensation claim in North Carolina. *See* N.C. Gen. Stat. § 95-241.
38. Defendant terminated Plaintiff.
39. The circumstances of Plaintiff's termination serve as evidence that the adverse action was retaliatory based on Plaintiff's protected activity.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Honorable Court grant the following relief:

- a. Trial by jury;
- b. A finding that Defendant violated Plaintiff's rights as set forth herein;
- c. Full back pay plus interest, front pay, compensatory damages, punitive damages, reasonable attorney fees, and costs in accordance with the ADA and REDA; and
- d. Any other relief this Court deems proper and just.

Respectfully submitted this 27th day of September, 2021.

THE KIRBY G. SMITH LAW FIRM, LLC

/s/Alexander C. Kelly
Alexander C. Kelly
North Carolina Bar No. 49308
Attorney for Plaintiff

THE KIRBY G. SMITH LAW FIRM, LLC
111 N. Chestnut St.
Suite 200
Winston-Salem, NC 27101
T: (704) 729-4287
F: (877) 352-6253
ack@kirbygsmith.com

JURY DEMAND

Plaintiff requests a jury trial on all questions of fact raised by this Complaint.

Respectfully submitted this 27th day of September, 2021.

THE KIRBY G. SMITH LAW FIRM, LLC

/s/Alexander C. Kelly

Alexander C. Kelly
North Carolina Bar No. 49308
Attorney for Plaintiff

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